

Message Text

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43

ACTION NEA-10

INFO OCT-01 EUR-12 IO-10 ISO-00 DHA-02 ORM-01 VO-03 SCA-01

INSE-00 L-03 SS-15 NSC-05 CIAE-00 INR-07 NSAE-00

DODE-00 FBIE-00 SY-05 PRS-01 SSO-00 NSCE-00 INRE-00

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O 181530Z SEP 75

FM AMEMBASSY CAIRO

TO AMEMBASSY ATHENS IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 6567

AMEMBASSY PRAGUE IMMEDIATE

USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L CAIRO 9283

EO 11652: GDS

TAGS: SREF

SUBJECT: REFUGEE ASSISTANCE: CASE OF JAROSLAV TOMCIK

REF: A. ATHENS 7137 B. ATHENS 7147

C. STATE 214307 D. CAIRO 8854

1. COMMUNICATION WITH TOMCIK BOTH IN ALEXANDRIA AND CAIRO WAS RENDERED EXTREMELY DIFFICULT BECAUSE OF HIS EXTREMELY LIMITED COMPREHENSION OF ENGLISH AND UNAVAILABILITY OF CZECH INTERPRETER. THEREFORE, WHILE CAREFUL EFFORTS INCLUDING SIGN LANGUAGE WERE USED TO CONVEY TO HIM PROCEDURES THROUGH WHICH HE WOULD HAVE TO PASS IN ORDER TO BE CONSIDERED FOR CONDITIONAL ENTRY INTO US, THERE WAS NO CERTAINTY THAT HE FULLY COMPREHENDED. HOWEVER, WE DO FEEL, AFTER CONSIDERABLE REPETITION IN RESPONSE TO HIS REPEATED INQUIRIES, HE SHOULD HAVE UNDERSTOOD THAT A CERTAIN DELAY DUE TO NECESSARY PROCESSING IN ATHENS (LAVRION) WOULD ENSUE. ALTHOUGH HE WAS INFORMED ON BASIS OF REFTEL C THAT HE WAS ONLY ELIGIBLE TO

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APPLY FOR CONDITIONAL ENTRY INTO US, TOMCIK WAS

UNDOUBTEDLY UNDER IMPRESSION THAT HE WOULD BE ABLE TO IMMIGRATE INTO US. BUT NEITHER HE NOR WE WERE AWARE THAT LAVRION PROCESSING COULD TAKE FOUR MONTHS.

2. WHILE, THEREFORE, IT APPEARED THAT TOMCIK UNDERSTOOD HE WOULD HAVE TO UNDERGO CERTAIN PROCESSING, THERE WAS NO DISCUSSION WITH HIM NOR WITH GREEK CONSUL IN CAIRO REGARDING HIS NEED TO REQUEST POLITICAL ASYLUM IN GREECE. THIS FACT WAS UNKNOWN TO US HERE AND HAD NOT BEEN INDICATED IN PREVIOUS MESSAGES RECEIVED BY EMBASSY ON THIS CASE. ARRANGEMENTS FOR SEVEN-DAY TRANSIT VISA FOR TOMCIK WERE MADE BETWEEN UNHCR REP AND GREEK CONSUL, ALTHOUGH EMBASSY CONSULAR OFFICER FOREWARNED LATTER OF UPCOMING UNHCR APPROACH. IT WAS OUR UNDERSTANDING THAT GREEK CONSUL GRANTED TRANSIT VISA TO ALLOW TIME FOR NECESSARY PROCESSING, BUT WAS ALSO NOT AWARE OF ANY REQUIREMENT FOR TOMCIK TO SEEK POLITICAL ASYLUM IN GREECE. UNHCR REP HAS NOT BEEN AVAILABLE THIS AFTERNOON FOR COMMENT ON DISCUSSION BETWEEN GREEK CONSUL AND HIMSELF. HE DID, HOWEVER, INDICATE TO EMBASSY CONOFF AT TIME OF TOMCIK'S DEPARTURE THAT HE HAD MADE HIM AWARE OF WHAT WAS IN STORE FOR HIM IN LAVRION.

3. EMBASSY DEFECTOR COMMITTEE EXAMINED TOMCIK'S CASE FROM THE POINT OF VIEW OF HIS POSSIBLY QUALIFYING AS A "DEFECTOR. THIS EXAMINATION WAS MADE ON BASIS OF INFORMATION CONTAINED IN REFTEL D. DEFECTOR COMMITTEE DID NOT CONSIDER IT HAD RESPONSIBILITY TO RULE ON HIS BONA FIDES AS REFUGEE. EMBASSY REPORTED ALL DETAILS IT HAD AVAILABLE TO DEPARTMENT, INCLUDING FACT THAT TOMCIK DID NOT CLAIM "PERSECUTION." ON BASIS OF DEPARTMENT'S DETERMINATION THE HE WAS "ELIGIBLE APPLY FOR POLITICAL ASYLUM IN US" (PARA 2, REFTEL C), EMBASSY PROCEEDED TO FACILITATE HIS DEPARTURE FROM EGYPT. EILTS

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